

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BEN SANDERS, JR.,

Plaintiff,

v.

ALFONSO GRAHAM, Chair,
Wisconsin Parole Commission; and
JAYNE HACKBARTH, Commissioner,
Wisconsin Parole Commission,

Defendants.

ORDER

08-cv-716-slc

Plaintiff is proceeding on his two claims that defendants Alfonso Graham and Jayne Hackbarth retroactively applied parole regulations in violation of his rights under the ex post facto clause of the United States Constitution. Now before the court is plaintiff's motion to compel defendants to answer his request for production of documents and a motion for reconsideration of October 27, 2009 order setting deadlines. For the reasons set forth below, both these motions will be denied.

First, plaintiff moves to compel defendants to produce the Parole Commission's meeting minutes for the years 1995 through 1999. Defendants respond that they had difficulty locating these minutes but have found them and provided them to plaintiff on November 9, 2009. Accordingly, plaintiff's motion to compel production of these minutes will be denied as moot.

Second, plaintiff moves to compel the production of correspondence between Governor Doyle and Chairman Graham related to parole of prisoners serving life sentences and correspondence with the City of Milwaukee regarding the same issue. Defendants respond that they have reviewed the files in their possession for correspondence responsive to this request but have not found any documents. A party cannot be compelled to produce information that it

does not possess; therefore, plaintiff's motion to compel such production also will be denied as moot.

Finally, plaintiff asks that the deadlines in my October 27, 2009 order be extended. Specifically, he asks for an extension of time from the December 1, 2009 deadline to file his expert reports and from the February 5, 2009 deadline to file summary judgment motions. The reason for plaintiff's request is that the defendants have not produced the requested documents. Defendants have now produced all the documents they have in their possession. Further, in my October 27, 2009 order I said there would be no additional extensions of time. Plaintiff's motion for reconsideration of that order and for extensions of time to file expert reports and motions for summary judgment will be denied.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion to compel production of documents, dkt. 53, is DENIED.
2. Plaintiff's motion for reconsideration of my October 27, 2009 order, dkt. 49, is DENIED.

Entered this 17th day of November, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge